

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, January 15, 2016
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairman Kurt R. Davis
Commissioner Edward "Pat" Madden
Commissioner James R. Ammons
Commissioner James S. Zieler
Commissioner Robert E. Mansell

Director Larry D. Voyles
Deputy Director Ty E. Gray
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Jordan H. Gaiser	2016-0002	Count A: Count B:	Failure to tag big game immediately (Elk) Knowingly waste edible portion of game meat (Elk)
Mindy A. Tatera	2016-0003	Count A:	Exceed bag limit (Elk)
Michael R. Williams	2016-0004	Count A:	Citation A09086 Obtain 2012 resident fishing license by misrepresentation.
Steve D. Bryant Jr.	2016-0005	Count A:	Possess/Transport wildlife or parts of wildlife which was unlawfully taken (Gila monster)
James C. Carroll III	2016-0007	Count A:	Citation A08933 Apply for/obtain 2014 resident deer tag by misrepresentation
William M. Ferrin	2016-0008	Count A:	Apply for/obtain license/permit/tag by fraud or misrepresentation
Anthony Lee Schaible	2016-0009	Count A:	Citation A02261 Litter while hunting
		Count A:	Citation A02263 Take wildlife by unlawful method (Bait

Bears)
Count A: **A02264**
Take wildlife with aid of vehicle

Roll call was taken and the following were present: Jordan Gaiser, Mindy Tatera, and Anthony Schaible.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Jordan H. Gaiser
Docket # 2016-0002

Gaiser was found guilty by the Williams Justice Court for Count A: Failure to tag big game immediately; and Count B: Knowingly waste edible portion of game meat (elk); and sentenced: Fined \$175.00.

Gaiser was present and addressed the Commission stating that his first mistake was in not taking the Hunter Education course, which he has now taken. He intended to go back for the elk and would have known to tag the elk had he taken the course. Extremely bad weather and other adverse circumstances prevented him from going back to get the elk. This was his first successful hunt and he has learned some very important lessons in adequate preparations.

Mr. Gaiser's father, who was with his son on this hunt, addressed the Commission on behalf of his son and recapped their difficult experiences that caused them to leave the elk.

Officer Poppenberger was present and answered questions for the Commission stating that the weather and other adverse circumstances were not as extreme as described by Mr. Gaiser and his father. Additionally, he believes there was willful misconduct and Mr. Gaiser and his father were not initially forthcoming with information.

Motion: Madden moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JORDAN H. GAISER TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO

COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Mindy A. Tatera

Docket # 2016-0003

Tatera was found guilty by the Williams Justice Court for Count A: Exceed bag limit (elk); and sentenced: Fined \$500.00 and ordered to pay restitution of 504.90 to Arizona Mobile Meats L.L.C.

Tatera was present along with her husband and addressed the Commission explaining how she unknowingly shot the first two elk. Her husband was with her on the hunt and he didn't see the first two elk go down either. She was devastated to see that she had shot three elk. She will never again shoot more than once. They made every effort to try and contact the Department and then left the scene to go to a ranger station to report the incident.

Case Officer Regan addressed the Commission via video teleconference and stated that he believes it was an honest mistake, complicated by the fact that they were leaving the area before letting Game and Fish know what had happened.

The Commission discussed and believed that Ms. Tatera was making every effort to self-report.

Motion: Mansell moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MINDY A. TATERA TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED UNTIL SHE COMPLETES THE HUNTER EDUCATION COURSE AND PROVIDES PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST MINDY A. TATERA TO COLLECT THE AMOUNT OF \$5,000.00 FOR THE LOSS OF TWO (2) COW ELK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Davis, Madden, Zieler, Mansell
Nay - Ammons
Passed 4 to 1

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Anthony L. Schaible
Docket # 2016-0009

Schaible was found guilty by the Flagstaff Justice Court for Citation A02261: Count A: Litter while hunting; Citation A02263: Count A: Take wildlife by unlawful method (bait bears); Count E: Take wildlife during a closed season; and Citation A02264: Count A: Take wildlife with aid of vehicle; and sentenced: Combined fined \$2,278.00.

Schaible was not present and addressed the Commission stating that he was camped near the bear bait location, but he had nothing to do with baiting bears. He was not hunting and did not fire his gun, he only used his scope to spot wildlife. There is a misunderstanding as to where the cliffs are and that is where he was with his family. He fought this in court until it financially devastated him and then he pled guilty, but he is not guilty. Someone was doing something wrong out there, but it was not him.

Letters of character reference were provided to the Commission (on file).

Case Officer Fabian was present and addressed the Commission. He discussed the stolen quads that were found in Mr. Schaible possession, the litter, and that Mr. Schaible was not cooperative.

Motion: Zieler moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ANTHONY L. SCHAIBLE TO HUNT, FISH, TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Davis, Madden, Ammons, Zieler
Nay - Mansell
Passed 4 to 1

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Michael R. Williams
Docket # 2016-0004

Williams was found guilty by the Yuma Justice Court for Citation A09086: Count A: Obtain 2012 resident fishing license by misrepresentation; and sentenced: Fined \$380.70 and ordered to pay restitution of \$210.75.

Williams was not present.

Case Officer Nemlowill was present.

Mr. Elms provided the Commission with a letter from Mr. Williams dated January 8, 2016 (on file) that stated he is now well informed of residency statutes and will abide by any ruling the Commission makes with his integrity and honesty intact.

Commissioner Zieler confirmed with Mr. Elms that Mr. Williams obtained resident licenses in California, Arizona and Oregon.

Motion: Madden moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL R. WILLIAMS TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Steve D. Bryant, Jr.
Docket # 2016-0005

Bryant was found guilty by the West McDowell Justice Court for Count A: Possess/transport wildlife or parts of wildlife which was unlawfully taken (Gila monster); and sentenced: Fined \$420.00.

Bryant was not present.

The Case Officer was present.

Commissioner Zieler confirmed with Mr. Elms that captive Gila monsters cannot be released back into the wild because of concerns regarding disease.

Motion: Ammons moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF STEVE D. BRYANT, JR. TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING

FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **STEVE D. BRYANT JR.** TO COLLECT THE AMOUNT OF **\$250.00** FOR THE LOSS OF **ONE (1) GILA MONSTER;** AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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James C. Carroll III

Docket # 2016-0007

Carroll was found guilty by the Desert Ridge Justice Court for Citation A08933: Count A: Apply for/obtain 2014 resident deer tag by misrepresentation; and sentenced: Ordered to pay restitution of \$941.50.

Carroll was not present.

Case Officer Nemlowill was present via video teleconference from Region IV and answered questions for the Commission. Officer Nemlowill stated that Mr. Carroll accepted moral responsibility and was extremely apologetic and remorseful.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JAMES C. CARROLL III** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS;** THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Chairman Davis asked for a friendly amendment to three years. Commissioners Madden and Mansell agreed.

Amended Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JAMES C. CARROLL III** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **THREE (3) YEARS;** THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE

PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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William M. Ferrin
Docket # 2016-0008

Ferrin was found guilty by the Quartzsite Justice Court for Count A: Obtain resident license/tag by misrepresentation; and sentenced: Ordered to pay restitution of \$640.00.

Ferrin was not present.

Case Officer Nemlowill was present and answered questions for the Commission.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF WILLIAM M. FERRIN TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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These hearings concluded at 3:40 p.m.

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